

**IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION AT AKRON**

<b>IN RE:</b>	)	<b>CASE NO. 19-51436</b>
	)	
<b>CHRISTOPHER A. TSONTON</b>	)	<b>IN PROCEEDINGS UNDER CHAPTER 7</b>
	)	
<b>Debtor</b>	)	<b>JUDGE ALAN M. KOSCHIK</b>
	)	
	)	<b>MOTION FOR AUTHORITY TO</b>
	)	<b>COMPROMISE CONTROVERSY</b>

Now comes Harold A. Corzin, Trustee, by and through his attorney, and hereby moves the court for an order authorizing and empowering the trustee to compromise the controversy existing between the estate of the debtor, Christopher A. Tsonton, and Grayton Road Properties, Inc. and, for cause, states as follows:

1. That Harold A. Corzin, Trustee did commence an investigation into the financial affairs of the debtor, Christopher A. Tsonton, and determined that said Christopher A. Tsonton was the holder of 35 membership units of Moore Road LLC which was subject to a security interest held by Grayton Road Properties, Inc. to secure an obligation owing to it of \$75,000. Such membership units constituted 35% of the issued and outstanding units of Moore Road LLC. Moore Road LLC, in turn, is the owner of approximately 75.68 acres which is zoned commercial and located on Moore Road in Avon Lake, Ohio. The Lorain County Auditor has the property valued at \$1,703,710.00. It is currently delinquent in the payment of its taxes in the approximate amount of \$400,000. In addition, the property has been listed for sale since 2014 at various asking prices in the \$800,000.00 to \$1,100,000.00 range without receiving any offers. Finally, the membership units are subject to cash calls that are currently in the amount of approximately \$200,000.

2. The trustee's investigation determined that the original perfection of the security interest in the membership units was accomplished by a filing with the Secretary of State of Ohio and by apparent possession of the membership units. The filing elapsed and, within 90 days preceding the filing of the bankruptcy petition, a financing statement was filed with the Secretary of State of Ohio seeking to perfect the interest of Grayton Road Properties, Inc. in the membership units of Moore Road LLC held by Christopher A. Tsonton.

3. The trustee commenced legal action to avoid the perfection of the security interest which the trustee asserted was a preference and avoidable under Section 547 of the United States Bankruptcy Code. Grayton Road Properties, Inc. asserted that their perfection of their security interest also occurred by the taking of possession of the membership units.

4. The trustee disputed such assertion and instead claimed that the membership units were not securities and perfection could only occur by a filing of a financing statement with the Secretary of State of Ohio or if the membership unit expressly provided that it was intended to be a security under Ohio law.

5. While continuing to dispute the merits of the claims of the trustee, Grayton Road Properties, Inc. has nevertheless offered compromise the claims and pay to the estate the sum of \$4,500 on or before the 10<sup>th</sup> day of August, 2020 and to withdraw its motion for relief from stay and abandonment of the membership units, provided the trustee, in turn, would transfer all of this right, title, and interest in and/or to said membership units to Grayton Road Properties, Inc. and dismiss the pending adversary proceeding entitled "Harold A. Corzin, Trustee, Plaintiff vs. Grayton Road Properties, Inc., Defendant" with prejudice to its refiling.

6. The trustee believes that the membership units would be difficult to market since they would be subject to cash calls and would be a minority position in an LLC. Further, the property is subject to significant real estate tax claims and its fair market value is extremely uncertain, leaving the trustee to conclude that, in light of the matters in controversy, the potential of an unfavorable outcome, and the anticipated costs associated with this litigation, and that acceptance of the settlement offer is in the best interests of the estate and its creditors.

WHEREFORE, movant prays that this court enter its order authorizing and empowering Harold A. Corzin, Chapter 7 Trustee, to accept proposal of Grayton Road Properties, Inc. as set forth above, and for such other and further relief as is just and proper.

GIBSON & MORAN LLC

/s/ Michael J. Moran

Michael J. Moran #0018869

Attorney for Harold A. Corzin, Trustee

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### **CERTIFICATE OF SERVICE**

I certify that, on June 30, 2020, a true and correct copy of this motion and notice was served:  
Via the court's Electronic Case Filing System on these entities and individuals who are listed on  
the court's Electronic Mail Notice List

Harold A. Corzin, Trustee, hcorzin@csu-law.com

United States Trustee

Edward A. Bailey, on behalf of The Huntington National Bank, bknotice@reimerlaw.com

William Francis Perry, on behalf of Laura Holden, info@wperrylaw.com

John A. Polinko, on behalf of Alan F. Scott, jpolinko@wickenslaw.com

Kirk W. Roessler, on behalf of Kurt and Dianne Shoemaker, kroessler@walterhav.com

Robert E. Soles, Jr., on behalf of The Mohler Lumber Company, bsoles@soleslaw.com

D. Anthony Sottile, on behalf of Fly Enterprises, bankruptcy@sottileand barile.com

Peter G. Tsarnas, on behalf of Christopher A. Tsonton, ptsarnas@gertzrosen.com

Joshua Ryan Vaughan, on behalf of Ohio Department of Taxation, jvaughan@amer-collect.com

David J. Wigham, on behalf of Modern Poured Walls, Inc., dwigham@ralaw.com

Scott R. Belhorn, UST35, scott.r.belhorn@usdoj.gov

Mark F. Craig, on behalf of Alan F. Scott, mcraig@mfcraiglaw.com

Douglas M. Eppler, on behalf of Kurt and Dianne Shoemaker, deppler@walterhav.com

Andrew M. Fowerbaugh, on behalf of Paul and Mary Steve, amfowerbaugh@sbcglobal.net

Thomas R. Houlihan, on behalf of Ohio Department of Taxation, houlihan@amer-law.com

Richard John LaCivita, on behalf of The Huntington National Bank, bknotice@reimberlaw.com

Robert W. McIntyre, on behalf of TAG Land LLC, Moore Road LLC, and Grayton Road LLC,  
rmcintyre@dhplaw.com

And by regular U.S. mail, postage prepaid, on all parties on the attached list.

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Columbia Station, OH 44028-9751

84 Lumber Company  
1019 Route 519  
Eighty Four PA 15330-2813

ABC Supply  
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Auburn Hills, MI 48326-2865

ABC Supply co  
c/o Kevin L. String Co, LPA  
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Avon Lake, OH 44012-1159

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Garrettsville, OH 44231-9500

Emery Electric  
2080 Case Parkway South  
Twinsburg, OH 44087-2360

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Beachwood, OH 44122-5662

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STE 205  
LAKEWOOD NJ 08701-4688

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IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION AT AKRON

IN RE:	)	CASE NO. 19-51436
	)	
CHRISTOPHER A. TSONTON	)	IN PROCEEDINGS UNDER CHAPTER 7
	)	
Debtor	)	BANKRUPTCY JUDGE
	)	ALAN M. KOSCHIK
	)	
	)	NOTICE OF MOTION FOR
	)	AUTHORITY TO COMPROMISE
	)	CONTROVERSY

**Form 20A. Notice of Motion for Authority to Compromise Controversy**

Michael J. Moran, attorney for Harold A. Corzin, Trustee, has filed papers with the court for authority to compromise the controversy existing in the above-captioned estate

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this Bankruptcy case. (If you do not have an attorney, you may wish to contact one.)**

If you object to the motion, or if you want the court to consider your views, then on or before July 21st, 2020, you or your attorney must:

File with the court a written request for hearing {or, *if the court requires a written response*, an answer, explaining your position}  
at:

Clerk of the U.S. Bankruptcy Court  
455 Federal Building, U.S. Courthouse  
2 South Main St.  
Akron, OH 44308

If you mail your request/response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

Michael J. Moran, Esq.  
Attorney for the Trustee  
234 Portage Trail, P.O. Box 535  
Cuyahoga Falls, Ohio 44222

If you or your attorney do not take these steps, the court may decide that you do not oppose the motion and may enter an order granting authority.

Date June 30, 2020

Signature: /s/ Michael J. Moran

Name Michael J. Moran #0018869

Address: 234 Portage Trail, Cuyahoga Falls, OH 44221